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8 Attorneys for Defendants  
BlackRock Institutional Trust Company, N.A.; BlackRock,  
9 Inc.; the BlackRock, Inc. Retirement Committee; the  
Investment Committee of the Retirement Committee;  
10 Catherine Bolz; Chip Castille; Paige Dickow; Daniel A.  
Dunay; Jeffrey A. Smith; Anne Ackerley; Nancy Everett;  
11 Joseph Feliciani, Jr.; Ann Marie Petach; Michael  
Fredericks; Corin Frost; Daniel Gamba; Kevin Holt; Chris  
12 Jones; Philippe Matsumoto; John Perlowski; Andy Phillips;  
Kurt Schansinger; Tom Skrobe; Amy Engel; Management  
13 Development & Compensation Committee of the  
BlackRock, Inc. Board of Directors; Kathleen Nedl; Marc  
14 Comerchero; Joel Davies; John Davis; Milan Lint; and  
Laraine McKinnon

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**

18 Charles Baird and Lauren Slayton, as  
19 individuals, and on behalf of all others  
20 similarly situated, and on behalf of the  
BlackRock Retirement Savings Plan,

21 Plaintiffs,

22 v.

23 BlackRock Institutional Trust Company, N.A.,  
*et al.*,

24 Defendants.

Case No. 17-cv-01892-HSG

25 **JOINT STIPULATION AND  
~~PROPOSED~~ ORDER REGARDING  
AUTENTICITY OF DOCUMENTS**

1        Plaintiffs Charles Baird and Lauren Slayton (collectively, “Plaintiffs”), Defendant Mercer  
2 Investment Consulting (“Mercer”), and Defendants BlackRock Institutional Trust Company,  
3 N.A., Blackrock, Inc., the BlackRock, Inc. Retirement Committee, the Investment Committee of  
4 the Retirement Committee, the Administrative Committee of the Retirement Committee, the  
5 Management Development & Compensation Committee, Anne Ackerley, Catherine Bolz, Chip  
6 Castille, Marc Comerchero, Paige Dickow, Daniel A. Dunay, Any Engel, Nancy Everett, Joseph  
7 Feliciani, Jr., Michael Fredericks, Corin Frost, Daniel Gamba, Kevin Holt, Chris Jones, Milan  
8 Lint, Philippe Matsumoto, Katherine Nedl, John Perlowski, Ann Marie Petach, Andy Phillips,  
9 Kurt Schansinger, Tom Skroba, Jeffrey A. Smith, Joel Davies, John Davis, Laraine McKinnon  
10 (collectively, “BlackRock”), by and through their counsel of record, stipulate as follows:

11        WHEREAS, Plaintiffs, Mercer, and BlackRock (collectively, the “Parties”) have  
12 determined that the authenticity of certain documents is not disputed; and

13        WHEREAS, the Parties have determined that it is in their mutual interest to avoid the  
14 significant and unnecessary burden and expense associated with the document-by-document  
15 authentication of documents, and that stipulating to the authenticity of certain documents will  
16 promote the orderly and efficient progress of the litigation;

17        THEREFORE, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

18        1.        Documents produced by Plaintiffs, Mercer, or BlackRock in this action in response  
19 to a discovery request or pursuant to Rule 26 disclosure obligations, and which accordingly bear  
20 Bates numbers for this action (excluding materials disclosed exclusively in connection with or as  
21 part of expert reports) (the “Produced Documents”) qualify as authentic under the Federal Rules  
22 of Evidence to the extent set forth below, and shall not be subject to an authenticity objection at  
23 trial.

24        2.        The Parties agree that, for purposes of Rule 901 of the Federal Rules of Evidence,  
25 the Parties will not contest the authenticity of any document or thing, including any true and  
26 correct copy thereof, produced by Plaintiffs, Mercer, or BlackRock in connection with the instant  
27 litigation, so long as the circumstances indicate that the document or thing was authored or

1 modified by the producing Party (or, in the case of Mercer or BlackRock, by any direct or indirect  
2 subsidiaries of Mercer or BlackRock, or any employees thereof). Material excepted from this  
3 stipulation under this standard includes (but is not limited to) copies of books or chapters therein;  
4 newspaper articles; magazine articles; web-published articles; surveys and public reports not  
5 authored by any Party; and testimony before Congress or public agencies.

6       3.     This stipulation does not affect the Parties' ability to contest the authenticity of any  
7 document or thing produced by one of the Parties based on evidence that the document or thing is  
8 not what it purports to be.

9       4.     In the event that a dispute arises regarding the authenticity of a document, the  
10 Parties agree to meet and confer in good faith about the authenticity of such document.

11       5.     Nothing in this stipulation shall be construed as an agreement that any documents  
12 or things subject to this stipulation are admissible into evidence by any party. The Parties reserve  
13 the right to object to the admissibility of any document or thing under any grounds permitted by  
14 law and not expressed herein, including, without limitation, that the document is irrelevant, or

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1 that the document recites or repeats hearsay. The Parties also expressly reserve the right to object  
2 to the purpose for which any document is being used.

3 Dated: January 10, 2019

4 **COHEN MILSTEIN SELLERS  
& TOLL, PLLC**

5 /s/ Michelle C. Yau

6 Michelle C. Yau

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29 *Attorneys for Mercer*

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## ATTESTATION

I attest that for all conformed signatures indicated by an “/s/,” the signatory has concurred in the filing of this document.

Dated: January 10, 2019

By: /s/ Brian B. Boyle

## **[PROPOSED] ORDER**

PURSUANT TO THE STIPULATION, IT IS SO ORDERED: the above Stipulation is approved and all parties shall comply with its provisions.

Dated: 1/10/2019

*Haywood S. Gill, Jr.*  
U.S. District Court for the  
Northern District of California